

**Big Cypress National Preserve
ORV Advisory Committee Meeting
October 18, 2011**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee (ORVAC) held their regularly scheduled meeting on October 18, 2011, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 pm by Pedro Ramos, BICY Superintendent.

Committee members present: Barbara Jean Powell, Franklin Adams, John Adornato, Jim Coletta, David Denham, Manley Fuller, Karl Greer, Jorge Gutierrez, Wayne Jenkins, Chuck Hampton, Brad Cornell, Laurie Macdonald, Dennis Willson, and Jennifer Richards. Not present: Robin Barnes, Win Everham, and Curt Witthoff.

BICY staff present: Pedro Ramos, Damon Doumlele, Ron Clark, Dennis Bartalino, Bob DeGross, Ed Clark, Leslie Wells, Steve Schulze, Sasha Herrin, Jared Barber, Kit Carrington, David Hamm, and Susan Rossi.

There were approximately 15 members of the public present.

The meeting was facilitated by Delia Clark.

Mr. Ramos led the Pledge of Allegiance. He welcomed everyone and introduced the two newest members of the Committee, Dennis Wilson and Jennifer Richards.

Ms. Clark went over the agenda and explained how the meeting would run. Comments were to be addressed to the Committee and not the NPS staff, as this was a Committee meeting which is open to the public and not a public meeting.

Approval of minutes. The minutes of the August 25, 2011, meeting were approved with no corrections. Mr. Jenkins requested an official block of time be set aside during each meeting to respond to written comments from the public. For example, he received a letter from an individual requesting an unnamed secondary trail be named for his deceased father. This request was referred to the Corn Dance Subcommittee.

Superintendent's report. Mr. Ramos congratulated the newest members of the Committee and explained the requirement to attend training. Messrs. Wilson and Coletta and Dr. Richards will be attending this training on December 6, 2011. All other members of the Committee are also welcome to attend as a refresher if they so desire.

Mr. Ramos introduced Dr. Jenny Richards, a professor of biological science at FIU in Miami. She is a graduate of Harvard and University of California-Berkeley and has extensive knowledge of the Everglades environment. Mr. Dennis Wilson is a retired schoolteacher from the Miami-Dade area. He was the chair of the history department at his school. Mr. Ramos then asked the Committee to say a few words about themselves as a way of making introductions to the newest members.

Mr. Ramos informed the Committee that since the last meeting, John Adornato, Win Everham, Karl Greer, David Denham, and Laurie Macdonald had been reaffirmed to the BICY ORVAC by the Secretary of the Interior.

Mr. Ramos shared that NPCA had filed a lawsuit against BICY and the NPS. There are many counts to the complaint, which include the FWS biological opinion on the Addition, the ORV trail system, the wilderness component, and the ORVAC specifically. He read a portion of the complaint on page nine that relates to the ORVAC:

"The NPCA therefore asks the Court to invalidate the NPS's GMP and ROD [Record of Decision] and the FWS's biological opinion and incidental statement and to remand to NPS and FWS for further proceedings to comply with their statutory and regulatory mandates. In addition, NPCA and Plaintiff Adornato ask the Court to enjoin (i) the continued operation of the Preserve's ORV Advisory Committee unless and until its membership has been reconstituted so as to comply with FACA and (ii) NPS's taking any action which relies on or implements any decision and/or recommendation made by that Committee prior to the issuance of such an injunction."

Mr. Ramos read another section of the complaint, specifically regarding the ORVAC, on page 12:

"Since 2008, Mr. Adornato has served as a member of the NPS's ORV Advisory Committee for the Preserve... During Mr. Adornato's service on the Committee, the decisions and recommendations of that Committee reflected the fact that its membership has been heavily weighted in favor of those supporting more ORV use in the Preserve, and his views were given little or no weight by that dominant group of members."

Mr. Ramos told the Committee that he is extremely proud of the work they have done and asked the Committee to not be distracted by this lawsuit. The Committee has been of significant assistance to the NPS in implementing the ORV Plan. Several members of the Committee voiced their opinions about the lawsuit, and some questioned whether Mr. Adornato should sit on the Committee.

There was discussion as to whether the lawsuit was directed at subcommittees or the full Committee. All subcommittees are volunteer-based and open to the public. Mr. Ramos explained that subcommittees do not make recommendations to the NPS. They provide recommendations to the full Committee, who then makes the recommendation to the NPS. The Committee is structured for diversity of thought and background and experience, not a percentage or 50/50 split.

Mr. Ramos suggested that the Committee go to four meetings in 2012. This is the opportune time to do this, since the bulk of the work for the original Preserve has just been finished. Another more practical reason is time and money. The Committee was polled and agreed to go to four meetings next year.

Corn Dance and Stairsteps trail network planning. The Corn Dance Subcommittee gave their report. Ms. Powell noted that the ORV Plan lists 400 miles of allowable primary trails and also lists the number of miles per management unit. Frank Denninger had added up the allowable miles in all the units and arrived at 265 miles, leaving 135 miles. Also, the total miles allowed for Zone 4 are not identified in the Plan. The Subcommittee asked the Committee to address the disparity and asked that this be placed on the agenda for a future Committee meeting.

There was a question as to authority over Section 16 lands, and the Subcommittee requested that staff report the status of these lands. These are 13,000 acres within the boundaries of BICY which the state has not transferred to the federal government. The agreement which authorizes the NPS to manage these lands has expired.

Ms. Powell noted that the south Mullet Slough was closed for resource protection; however, the Subcommittee requested the full Committee to recommend that the south "dog leg" area be re-evaluated for trails. The Subcommittee recommended that the staff report on the dog leg area, including why it was

closed in the ORV Plan, what conditions may have changed to merit reconsideration of access through adaptive management, and what the resource conditions are for the trail areas that may be recommended.

There was discussion concerning hiking trails; in particular, Corn Dance 11 and 17, which cross the Florida Trail. Suggestions included configuring ORV and hiking trails perpendicular to one another, minimizing stabilization, unambiguous signage, and minimizing crossings.

In the Stairsteps unit, Eric Kimmel had presented a detailed trail map, and the Subcommittee recommended conditional approval of the concept, excluding the sparrow zone, pending Subcommittee review, Committee review, staff review and ground truthing. The second recommendation was for NPS staff to report on the Cape Sable seaside sparrow critical habitat status, including an explanation as to how this area can be reopened subject to adaptive management.

The Subcommittee recommended evaluation of 4.5 miles of an eastern loop of Pace's Dike for either primary or secondary trails. They urged connectivity between Zones 2, 3, and 4 in the Stairsteps Unit. They also requested the possibility of a route from the Skillet South access to a historical trail that leads south to George's Sawmill.

Ms. Powell said she would put the Subcommittee's recommendations in writing and present to the Committee at the December 6, 2011, meeting.

Public comment on Corn Dance and Stairsteps trails. John Anderson, camp owner in the Cape Sable seaside sparrow area, recommended opening trails in this area. He proposed using existing trails and not making new trails.

Frank Denninger thought Pace's Dike should be a primary trail. He noted there was a link on the NPS website for hikers.

Lyle McCandless said there are still huge areas in the Preserve that are not accessible by ORV's. There should be no areas within the Preserve where sustainable ORV trails exist that there is not ORV access allowed for in this process. The buffer zone is twice as big as it needs to be.

Shannon Larsen read a statement by the Council of Aboriginal People. There are no aboriginal people on this board.

Bobbie Billie said that he represented the love of all creation. He said the area should be left the way it is.

Charles Barley spoke on the issue of the Florida Trail crossing ORV trails. He said hikers want the wilderness experience but with lots of signage. ORV's should not be penalized because of inept travelers in the Preserve.

Turner River trail network implementation. Mr. Greer reported that the Turner River Trail Subcommittee met and specifically targeted one area. A group of homeowners in the Homestead area were talking about a secondary trail that comes off one of the main trails at the end of the "yellow brick road." They are looking for a more direct route to six properties. They talked about a two-trail access depending on the season and requested more secondary trails north of the Little Deer area and near Mr. Hampton's camp.

There are 142 miles of primary trails; there are approximately 140 miles allocated in the Plan. In the dry season a more direct trail would be less maintenance, and in the wet season the northern route would be used.

Mr. Adornato questioned why there are trails, even though they have been ground truthed and found sustainable, going into Windmill and Airplane prairies, which are closed areas. Mr. DeGross said that with new technology, going to a designated trail system, and actually going out to the trails, we now need to more clearly define those sensitive areas. The original closure was an area greater than what was needed in order to protect sensitive areas. Mr. Adornato believed that to open some of these trails without scientific updated evidence is in violation of the 2000 ORV Plan. Mr. Ramos explained that the ORV Plan closed certain areas because they were sensitive. There were some polygons that were drawn on the map that were not accurate enough to identify the resources for which areas were closed – in this particular case, it was the prairie sensitive areas. We now have information that allows us to map that closed area properly and define it to a much higher definition level than the conceptual maps that were used. The trails there, while on the conceptual polygon, are not on lands that represent the types of lands that the closure was intended to protect.

ORV camping in proximity to trails. Chief Ranger Ed Clark said that there is no twenty-five-foot rule with regards to camping along our trail system. The twenty-five-foot rule in the federal regulations refers to parking and camping near fire hydrants or a main road.

Public comment on Turner River trails and general comment. Frank Denninger noted that the minutes of the last meeting stated that Mr. Adornato and Ms. Macdonald needed to be reappointed, and the very week they were reappointed, a lawsuit was filed. There should be some kind of criteria for what is a balanced committee.

Lyle McCandless said that once the trail behind his camp is considered primary, he looks forward to the “black area” on the map being deleted. Also, the fact that one is inactive in a cause that would otherwise disqualify him from being on this Committee should disqualify him from being on this Committee.

Shannon Larsen was concerned about the lack of information. Animals are being affected by every decision NPS makes.

Bobbie Billie said he was born and raised here. Hikers have a right, too. NPS needs to stop building and maintain what we have now.

The adaptive management presentation by Ron Clark was postponed to the December 6th meeting due to the meeting running long tonight.

Future Discussions.

1. Subcommittee composition
2. Data on ORV and Florida Trail use and marking and the HCP decision regarding the Cape Sable seaside sparrow

The meeting adjourned at 8:10 pm.